



Governor's Office of Economic Opportunity

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Governor

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Executive Director

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Lt. Governor

Benjamin Hart
Deputy Director

General Regulatory Sandbox Program Advisory Committee
June 16, 2022 – 1:30p.m.

Anchor Location- Canyonlands Conference Room
World Trade Center, 3rd Floor
60 E South Temple, Salt Lake City, UT

Minutes

Attending in person:

Director Dane Ishihara (staff)
Chair Cory Maloy
David Hunt
Jacob Hart
Kori Ann Edwards (staff)
India Nielsen Barfuss (staff)
Todd Jenson (Attorney General's Office staff)
Julie Edwards (TowPro)
Troy D'Ambrosio (Public)
Tyler Brown (Nuttall, Brown & Coutts, BLLC)
Brian Coutts (Nuttall, Brown & Coutts, BLLC)

Attending online:

Reed Stringham
Nick Thomas
Natalie Kaddas
Ann Millner
June Chen
Jennifer Hwu
Jim Grover (staff)

Absent:

Amanda Slater

Meeting called to order at 1:34 PM

- Chair Maloy explained a change in law - this committee is now subject to the Open & Public Meetings Act

Open and Public Meetings Act Training

- AG Todd Jenson gave a training on the Utah Open and Public Meetings Act - this is the training required annually for any public body.

Application Update - TowPro

- Based on a recommendation in the last meeting for Director Ishihara and AG Jenson to develop what a contract would look like, AG Jenson sent the advisory committee a proposed contract.
- AG Jenson suggested that the municipalities and cities using TowPro's service are the ones who would need the protection with the waiver of the law that prohibits a fee and recommended that they should submit applications as well.
- Ms. Julie Edwards clarified that there are dispatches that use TowPro which cover multiple cities.
- AG Jenson confirmed that the dispatch center would be the one to apply for the waiver. AG Jenson suggested that language be included in the case of other, subsequent cities that want to be included in the regulatory sandbox, such that those cities could just be added to the contract rather than submit a new application each time.
- The committee discussed any action items, if there's a need for new application(s) or revised application(s) and what those should look like (regarding cities, dispatch center)
- Chair Maloy called for a motion
 - Mr. Thomas said he would make a motion
 - Mr. Stringham asked for clarification on the terms of the motion
 - Mr. Thomas withdrew his motion
 - Mr. Stringham made a motion that the committee recommend that TowPro submit an amended application that includes a reference to passing on charges and also includes a request by the dispatching municipalities to be relieved of the requirements of the law that was initially the subject of TowPro's application
 - Mr. Stringham yielded time for any questions
 - Chair Maloy and Ms. Edwards summarized the motion and added it would include both current and future TowPro dispatch clients
 - Mr. Stringham clarified the two separate statutes the application needs to address
- Chair Maloy opened the floor for committee discussion of the motion
 - Mr. Hunt seconded the motion
- Vote on the motion:
 - Senator Millner - aye
 - David Hunt - aye
 - Jennifer Hwu - aye
 - Jacob Hart - aye
 - June Chen - aye
 - Natalie Kaddas - aye
 - Reed Stringam - aye
 - Nick Thomas aye
 - Chair Maloy - nay
- Motion passed 8-1

Application Review - Nuttall, Brown & Coutts, BLLC

- Mr. Brown and Mr. Coutts asked the committee for a motion to close the meeting due to proprietary and innovative technology

Mr. Hunt moved to close the meeting to protect innovation of the applicant

- Mr. Hart seconded the motion
- Motion passed unanimously

Meeting Closed

Meeting Re-opened

- Mr. Brown and Mr. Coutts reentered the room

Mr. Hunt moved that the Regulatory Sandbox waive all civil application of Utah Code 76-10-3202 as to applicant Nuttall, Brown & Coutts, and that this body recommend the Utah State Attorney General's Office consider entering into an immunity agreement as to the application of Utah Code 76-10-3201 to the applicant in good faith execution of the applicant's business model as set out in the application.

- Mr. Thomas seconded the motion
- Chair Maloy opened the floor to discussion of the motion
 - Mr. Hart commented his intent to vote no first, because there doesn't appear to be any civil application here and second, because of a concern about proximity to the law being passed and this body making activity on it, and third, the general application of that.
- Mr. Hart makes a substitute motion to deny the application and recommend the Attorney General's office consider waiving criminal prosecution under Utah Code 76-10-3201
 - Chair Maloy reiterates the substitute motion
 - Mr. Hunt agreed with the motion
- Vote on the substitute motion:
 - Senator Millner - aye
 - David Hunt - nay
 - Jennifer Hwu - aye
 - Jacob Hart - aye
 - June Chen - aye
 - Natalie Kaddas - aye
 - Nick Thomas - aye
 - Reed Stringham - aye
 - Chair Maloy - nay
- The substitute motion passes 7-2 (Chair Maloy and Mr. Hunt were the votes in opposition)

Chair Maloy asked for any final thoughts or comments.

- Senator Millner suggested that it would be helpful to have some analysis prior to coming to the meeting—making sure it is innovative technology that really applies to this regulatory sandbox.
- Ms. Kori Ann Edwards recommended that applicant Nuttall, Brown & Coutts also go to the suggestion box and get this conversation going at the Governor's Office level and indicate that this new law going into effect may need a second set of eyes to determine its unintended consequences.
- Mr. Hunt readdressed a suggestion he made a couple meetings ago that the advisory committee receive a brief on the legislative history behind each of the laws being

addressed in these meetings and what they may have been trying to solve.

- Director Ishihara stated the importance of staying as neutral as possible toward applications before meetings and using these meetings for real discussion and feedback from the advisory committee.

Motion to adjourn made.

- Motion passed unanimously

Meeting Adjourned

DRAFT